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| 10/731,234      | 12/08/2003  | Yelena V. Yufa       |                     | 4972             |

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02/18/2009

EXAMINER

CHIN, RANDALL E

ART UNIT

PAPER NUMBER

3723

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/731,234

## Applicant(s)

YUFA, YELENA V.

## Examiner

Randall Chin

## Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 26, 28, 29, 33-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26, 28, 29, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 35 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

On p. 15, line 8, "be use" should read --be bused--.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 28, 29, 35 and 37 are objected to because of the following informalities:

Claim 28, lines 20-26 again sets forth a double inclusion of elements of that already recited back in claim 26, lines 12-17, particularly the arrangement of the switching means comprising three positions, rendering the claim language awkward and unclear.

Claim 29, lines 4-6, the recitation that said "connection means" can also pass through the aperture appears to be inaccurate of that disclosed in the specification or in drawing Figs. 1 and 2 (or in non-elected Figs. 7 and 8). These figures do not appear to show that said "connection means" can pass through the aperture 39 in the front wall 38.

Claim 35, lines 13-18 again sets forth a double inclusion of elements of that already recited back in claim 26, lines 12-17, particularly the arrangement of the switching means comprising three positions, rendering the claim language awkward and unclear.

Claim 37, lines 3-5, the recitation that said "connection means" can also pass through the aperture appears to be inaccurate of that disclosed in the specification or in drawing Figs. 1 and 2 (or in non-elected Figs. 7 and 8). These figures do not appear to show that said "connection means" can pass through the aperture 39 in the front wall 38.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26, 28, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over George et al. 6,170,107 (hereinafter George) in view of DiBiagio 5,269,104 (hereinafter DiBiagio).

As for claim 26, the patent to George teaches in Figs. 1 and 7 a portable cleaning device, comprising a brush portion including a telescopic portion comprising at least two of a plurality of telescopic sections (col. 4, lines 28-34), a cleaning brush coupled with said telescopic portion of said portable cleaning device, a handle portion comprising a power supply located in said handle portion of said portable cleaning device, wherein said power supply includes an axle, and wherein said power supply provides a rotation of said axle which is coupled with said telescopic portion, a handle means including at

least one front wall which includes an aperture for unobstructed passage of said axle or said telescopic portion of said portable cleaning device, and a switching means (Fig. 1) coupled with said power supply. The patent to George discloses all of the recited subject matter as set forth above with the exception of said switching means provides a control of said power supply of said portable cleaning device, and wherein said switching means comprises three positions, wherein a first position of said three positions provides a turning-off of said power supply, a second position of said three positions provides a clockwise rotation of said axle, and a third position of said three positions provides a counterclockwise rotation of said axle and wherein a switching from said second position to said third position or said switching from said third position to said second position is provided through said first position. The patent to DiBiagio discloses in Fig. 1 a switching means 12 comprising three positions (col. 3, lines 7-10), wherein a first position of said three positions provides a turning-off of said power supply, a second position of said three positions provides a clockwise rotation of said axle, and a third position of said three positions provides a counterclockwise rotation of said axle and wherein a switching from said second position to said third position or said switching from said third position to said second position is provided through said first position. It would have been obvious to one of ordinary skill in the art to have modified George's switching means such that it comprises three positions, wherein a first position of said three positions provides a turning-off of said power supply, a second position of said three positions provides a clockwise rotation of said axle, and a third position of said three positions provides a counterclockwise rotation of said axle and wherein a

switching from said second position to said third position or said switching from said third position to said second position is provided through said first position as suggested by DiBiagio for the purpose of increasing the versatility and cleaning capability of the cleaning device by permitting reverse rotation of the cleaning brush.

As for claim 28, said power supply is electrical and comprises at least one of a plurality of electrical batteries located in a power supply compartment of said handle means of said handle portion of said portable cleaning device, an electrical motor including said axle and providing said clockwise rotation of said axle or said counterclockwise rotation of said axle of said portable cleaning device (as modified by DiBiagio), and wherein said electrical motor is installed in at least one of a plurality of holders located in said handle means, and an electrical power for said electrical motor is provided by said at least one of said plurality of electrical batteries, and an electrical switching means providing said control of said power supply of said portable cleaning device, and wherein said at least one of said plurality of electrical batteries is appropriately electrically connected to said electrical motor through said electrical switching means, and wherein the electrical connection of said at least one of said plurality of electrical batteries with said electrical motor and with said electrical switching means is provided by electrical contacts and/or electrical wires (Fig. 1; col. 2, lines 41-55).

As for claim 29, said axle would be coupled with said telescopic portion of said portable cleaning device through a connection means, and wherein said handle means of said portable cleaning device includes said at least one front wall which comprises

said aperture for said unobstructed passage of said telescopic portion or said axle or said connection means of said portable cleaning device (Fig. 1).

As for claim 33, it would have been obvious to one of ordinary skill in the art to have provided for the well known spring electrical contact as such spring contact is old and well known in the conductor art and is typically used in such art.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over George in view of DiBiagio as applied to claims 26 and 28 above, and further in view of Goldstein et al. 3,343,192 (hereinafter Goldstein).

As for claim 34, Goldstein teaches in Figs. 1 and 8 a portable cleaning device comprising a sectional configuration at partition 30 to provide a replacement of said at least one of said plurality of electrical batteries in said power supply compartment of said handle portion. It would have been obvious to one of ordinary skill in the art to have provided the modified George device with a sectional configuration at a partition, for example, to provide a replacement of said at least one of said plurality of electrical batteries in said power supply compartment of said handle portion as taught by Goldstein for the purpose of separating interior compartments for insulating purposes and to prevent unnecessary leakage of any fluids.

***Allowable Subject Matter***

6. Claims 35 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Gustems is pertinent to a reversible drive arrangement.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/  
Primary Examiner, Art Unit 3723